United Nations S/PV.7497

Security Council

Seventieth year

Provisional

7497th meeting
Wednesday, 29 July 2015, 10.15 a.m.
New York

President:	Mr. McCully	(New Zealand)
Members:	Angola	Mr. Gimolieca
	Chad	Mr. Cherif
	Chile	Mr. Olguín Cigarroa
	China	Mr. Liu Jieyi
	France	Mr. Bertoux
	Jordan	Mrs. Kawar
	Lithuania	Mr. Baublys
	Malaysia	Mr. Ibrahim
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Churkin
	Spain	Mr. González de Linares Palou
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Power
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

The situation in the Middle East

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15-23557 (E)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Staffan de Mistura, Special Envoy of the Secretary-General for Syria, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to warmly welcome the Secretary-General, His Excellency Mr. Ban Ki-moon, and I now give him the floor.

The Secretary-General: Mr. President, I warmly welcome your leadership in presiding over today's meeting.

After more than four years of slaughter, the Syrian conflict has become a shameful symbol of the international community's divisions and failure. I am profoundly disappointed that none of the Council's resolutions on Syria — whether aimed at ending the violence, easing humanitarian suffering or combating terrorism and foreign fighters — has been implemented.

Syria is the world's largest humanitarian crisis, as the Council heard yesterday in harrowing detail from the Under-Secretary-General for Humanitarian Affairs (see S/PV.7493). At least a quarter of a million Syrians have been killed. Almost half of the country's population — 12 million men, women and children — have been forced to flee their homes. Thanks to a massive cross-border exodus, Turkey, Lebanon, Jordan and Iraq are hosting an ever-growing number of refugees, and increasing numbers of Syrians are making desperate journeys across the Mediterranean in so-called death boats.

Atrocious crimes are now almost an hourly occurrence, fed by a lack of accountability for the major human rights violations committed over the past four years and through decades of repression. The Syrian people have been exposed to chemical weapons that should have been things of the past, and to new, indiscriminate killing devices such as barrel bombs and hell cannons. The conflict has given rise to terrorist groups such as Daesh and the Al-Nusra Front, and it has fuelled sectarianism and radicalization throughout and beyond the region. Funding for humanitarian activities continues to be outpaced by the gargantuan and ever-growing scale of people's needs. The situation is a clear threat to international peace and security that should compel us all to consider what more we can do to end the carnage and uphold our responsibilities.

It was in that context that, on 28 March, I instructed my Special Envoy for Syria, Mr. Staffan de Mistura, to intensify the efforts of the United Nations to find a political settlement to the conflict. Specifically, I asked him to work to operationalize the Geneva communiqué (S/2012/522, annex). The Security Council unanimously endorsed the Geneva communiqué in its resolution 2118 (2013). The document contains principles and guidelines for ending the violence and launching a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people. The communiqué remains the only internationally agreed basis for a political settlement to the Syrian conflict, and it is the foundation for recent initiatives such as the Cairo and Moscow processes.

Mr. de Mistura will brief the Council today on his consultations. I would like to highlight four key points. First, his description of the state of the Syrian crisis synthesizes what we have heard from an inclusive and representative group of Syrian and non-Syrian stakeholders.

Secondly, amid gaping fault lines, there are points of consensus on which a credible political process could be constructed. Syrians and external actors alike share a sense of concern regarding the threshold that the conflict has now reached. No one wants to risk the chaos of an uncontrolled transition in Damascus. All reject the possibility of a future Syria divided along sectarian lines. Many of the Syrians we spoke to warned that the country is entering a cycle of fragmentation and radicalization that will be hard to get out of. Our Syrian interlocutors also lamented that their country is caught in a regional proxy war that is beyond the Syrians' ability to resolve by themselves. Almost all pointed to the urgent need for the international community to act now if we want to save and preserve what is left of Syria. As the situation deteriorates, the Syrians predict that the prospects for achieving a political solution will also recede.

Thirdly, the Syrians with whom we spoke share many of the same aspirations. They want to protect

the country's sovereignty, territorial integrity and independence, and to determine their own future free from external intervention. They consider it impossible to return to the past. They reject violent extremism and terrorism, and support a non-sectarian, multi-confessional and inclusive society. And they yearn to build a genuinely democratic Syria based on human rights and the rule of law.

Fourthly and finally, the consultations made it clear that the major stumbling block in the political process remains the issue of forming a transitional governing body with full executive powers that can create a suitable environment and safety for all during the transition.

Such a body is the top priority for the opposition, while the Syrian Government has told us that such an institution would be unconstitutional.

Although difficult, these are not insurmountable obstacles and differences. Mr. De Mistura will therefore present a proposal to launch a political process aimed at enabling Syrians to negotiate a framework agreement on how to implement all aspects of the Geneva communiqué. The main goal of these preparatory negotiations will be to reach an intra-Syrian agreement on the elements of the Geneva communiqué, including on the issue of the transitional governing body, as well as to effectively fight terrorism. I stand ready to convene a high-level international conference to endorse any recommendations or agreement that this Syrian-led political process may reach.

The status quo in Syria is unacceptable. Some argue that we must wait to end this nightmare until there is a more propitious alignment of regional and international circumstances. This would be both immoral and irresponsible. We must not condemn the Syrian people to even deeper despair. We must not condemn the region to unending turmoil. Today I ask the Security Council to endorse Mr. De Mistura's recommendations and work with the Syrian parties to convince them to participate constructively in this proposed process. Just as important, the Council has a responsibility to support the political process by acting to de-escalate the conflict. We must ensure that these preparatory negotiations are meaningful and not cynically exploited as a licence to continue the killing.

I urge the Security Council, Syria's neighbours and regional sponsors of the Syrian parties to stem all flows of arms and foreign fighters pouring into the country. While ending the bloodshed remains primarily the responsibility of the Syrian parties, especially President Bashar Al-Assad, there is much that the region and the international community can do to starve the fire of its fuel. We must also build on the political momentum that has been generated by the nuclear agreement between Iran and the P5+1 countries. The unity that generated that agreement can help point the way towards conflict resolution in Syria and greater stability across the region.

For the moment, the greatest obstacle to ending the Syrian war is the notion that it can be won militarily. It is our failure to act with a unified voice that perpetuates this harmful illusion and allows the Syrian parties to think that there is some alternative other than coming to the negotiating table.

Today Mr. De Mistura and I will outline a way forward to reach the political solution that all claim to support. I urge the Council to give this proposal its full support. If it does not, the world expects this body to present a viable alternative.

The President: I thank the Secretary-General for his statement.

I now give the floor to Mr. De Mistura.

Mr. De Mistura: I wish to thank the Secretary-General for his strong and supportive introduction to this debate.

It is precisely the immensity of the human suffering as just described by the Secretary-General, and yesterday by our colleague Under-Secretary-General O'Brien, that commands us to seek out even the remotest possibility of a political solution, even if — and we heard it, sadly — the logic of assuming a military victory by anyone, which is impossible, continues, and barrel bombs and other indiscriminate weapons continue to kill Syrian civilians.

On 5 May, based on instructions from the Secretary-General, we unrolled the Geneva consultations. This is a new form of avoiding getting cornered into a conference which then gets us straitjacketed. It is a set of structured, separate discussions with Syrian and non-Syrian players aimed at stress-testing any willingness, if there is any, to narrow the gaps in the interpretation of the principles contained in the Geneva communiqué, which is still, let us be frank, the only internationally recognized framework for a settlement, even if it is still ambiguous in some parts.

To date, consultations with 216 individuals, Syrian and non-Syrian, in Geneva and in capitals, reveal a generally shared sense of urgency, given in particular the recent gains made by Daesh and the Al-Nusra Front and the talk of some de facto fragmentation, radicalization and sectarianism. There is thus a growing reference to the need for a managed, phased, gradual, controlled transition to avoid a repetition of what no one in the Council would like to see: the problems we have had in Libya and in Iraq.

Consultations, too, have reaffirmed that most Syrians and international actors agree on what Syria should look like in general and on the relevance of the principles and content of the Geneva communiqué. It was three years ago, but it is still valid. Syrians overall emphasize their own vision for a united, sovereign, independent — they are a very proud people — non-sectarian, multi-confessional, all-inclusive State with territorial integrity; and preserved but reformed State institutions, such as ministries — for as we saw in Iraq, that was the biggest problem we faced, when many institutions disappeared suddenly at the time of the change — including in the political, security and judiciary sectors, led by those who can inspire public confidence and trust.

Yet there is still disagreement — the Secretary-General said it very clearly — on how to get there, much of it based on different narratives; one is the root causes of the conflict and emerging priorities. The fear of black flags over Damascus is driving many to consider reassessing their own early positions. Yet many continue also to consider that the conflict needs to be about the Arab Spring calls for change. There is a firm recognition of the fact that counter-terrorism is now definitely a priority. However, many — both Syrians and Member States — are also considering that in order to assert that type of counter-terrorism, there is a need for a credible new Government with which they can partner in that effort.

While common ground exists, the question of the devolution of executive authority to a transitional body — let us be honest with ourselves — remains the most polarized element of the communiqué. For some, that means that the transitional governing body is an instrument to hand over power. Some political and armed opposition groups generally reject any notion of power-sharing with the current Government in Damascus. The Syrian Government has accepted, in theory, to discuss the transitional governing body at the Geneva II conference, but continues to reject the concept as unconstitutional.

It is still broadly understood that, whatever the solution, it should ensure the meaningfulness and irreversibility of any transition, in a widely acceptable process, without causing an abrupt jolt, shock, trauma or catastrophe to the system in Syria. We cannot afford that. It should also include assurances for Syrian communities, the many minorities who have been threatened and the regional stakeholders. It should also have guarantees that the Syrian people, especially women, are included in the decision-making. In our Geneva consultations, we met remarkable Syrian women who have provided the most powerful concepts and analysis we have yet heard.

Sadly, there is still no consensus on the way forward on the communiqué or even a formalized negotiation. If there were, we would not be discussing it in the Council; we would be working on the negotiations. At the same time, given the deep and deepening tragedy, the United Nations and all of us are obliged to keep the issue alive and not leave any stone unturned. We must also be attuned to the ongoing serious conversations and discussions taking place — we are hearing them around the region and beyond — which may require more time and be linked to developments the Secretary-General just referred to. We have thus tried to develop recommendations guided by the views and analysis shared with us during the consultations. This is the first time, by the way, that the Syrian people have been given a chance, as they told us, to be deeply and intensely consulted. After all, we always ask: Is it Syrian-led and Syrian involved? Well, this was the opportunity. Our recommendations are predicated on the need for regional and international consensus and sustained engagement on the way forward.

In response to the Secretary-General's instructions that we should try to operationalize the Geneva communiqué, my team and I have consulted widely, inside and outside, to verify whether there exists a critical mass for common action. Ultimately, we have tried to visualize from a technical point of view the implementation of the Geneva communiqué in all its aspects, including a transitional governing body. We have come up with a detailed formula for the phased implementation of the Geneva communiqué, so that there will be no excuses when a political consensus is reached, including on a transitional governing body, which could assume the functions of a Government;

a definition of mutual consent noted in the Geneva communiqué; the functioning of a military council and a Syrian national congress for national dialogue in a constitutional form, combined with confidence-building measures.

Ours is a straightforward interpretation formula for the implementation of the communiqué. Regrettably, the consultations also confirmed that achieving an agreement on this will be difficult in the current Syrian context. In fact, many have also urged us not to convene a third Geneva conference because we are not yet there. But we cannot just let the situation in Syria continue to drift. That is why, based on the appeal and the urging of the Secretary-General, we need to move in a direction where Syrians come together to stop the violence and to set out on an irreversible path towards a genuine political transition.

That leads us to the main recommendations. The Geneva consultation got Syrians to again begin talking to each other — sometimes indirectly through us, but they did. What I am proposing today is actually a deepening — going much deeper into those issues in the Geneva communiqué that are not so controversial and analysing those that can be controversial.

I now intend to invite Syrians to parallel simultaneous thematic discussions through an intra-Syrian working group, addressing the key aspects of the Geneva communiqué as identified by them in the first phase of the consultations, which will involve ensuring safety and protection for all, ending sieges and figuring out how do so, ensuring medical access and releasing detainees. The second phase will address political and constitutional issues, including the essential principles, the transitional governing body and elections. The third phase will concern military and security issues, including combating terrorism in an effective, inclusive way, ceasefires and integration. The fourth phase will involve public institutions, construction and development, which means that, as we said, we should try to avoid what happened in Iraq and elsewhere when institutions suddenly disappeared and the country got into major difficulties. Those institutions should continue to deliver public services under a top leadership acceptable to all and acting in accordance with the principles of good governance and human rights.

We believe that the working groups will start generating movement towards a Syrian-owned framework document on the implementation of the Geneva communiqué, and those efforts can build on the very useful meetings that took place in Moscow, Cairo, Paris and even Astana recently, and many track-two initiatives. The effort should be led by a steering committee, and the framework document should also provide for a transitional governing body idea, a procedure for a national dialogue and so on. Such an international initiative will require the support of a contact group, and we will get to that at the right time. In all of these matters, I shall seek the Council's support, and, as the Secretary-General said, stand ready to regularly report to the Council and to the Secretary-General on the progress or challenges that we will definitely face.

The consultations have gone some way towards identifying existing common ground. They also still hold the promise that a set of formula negotiations could convene after preparing the ground, if there is political will. The Geneva consultations have been loud and clear on the profound risk of failing to act now, including the increasing risk of a multigenerational conflict that, with each passing month, reduces the prospects of ever restoring Syria as a unified State, let alone making it even harder to establish a political process.

In closing, let me again thank the Secretary-General for being with us today, showing a strong commitment to the issue before us, and I thank the Secretariat and the members of the Security Council for their continued support in our difficult uphill but needed mission. I am obviously ready to go into more detail in a separate meeting later.

The President: I thank Mr. De Mistura for his briefing.

I now invite Council members to informal consultations to continue discussions on the subject.

The meeting rose at 10.40 a.m.

United Nations S/PV.7498

Security Council

Seventieth year

Provisional

7498th meeting
Wednesday, 29 July 2015, 3 p.m.
New York

President:	Mr. McCully	(New Zealand)
Members:	Angola	Mr. Gimolieca
	Chad	Mr. Cherif
	Chile	Mr. Olguín Cigarroa
	China	Mr. Liu Jieyi
	France	Mr. Delattre
	Jordan	Mrs. Kawar
	Lithuania	Mr. Baublys
	Malaysia	Mr. Liow Tiong Lai
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Churkin
	Spain	Mr. González de Linares Palou
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Power
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

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15-23563 (E)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

The President: I propose that the Security Council observe a minute of silence in solemn remembrance of the 298 victims who were killed by the downing of Malaysia Airlines Flight MH-17 on 17 July 2014. I invite all present to stand as we remember those victims.

The members of the Security Council observed a minute of silence.

The President: I wish to warmly welcome the ministers present at today's meeting. Their participation is an affirmation of the importance of the subject matter under discussion.

In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Australia, Belgium, Canada, Germany, Ireland, Israel, Italy, the Netherlands, the Philippines, Romania, Ukraine and Viet Nam to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2015/562, which contains the text of a draft resolution submitted by Australia, Belgium, Canada, France, Germany, Indonesia, Ireland, Israel, Italy, Lithuania, Malaysia, the Netherlands, New Zealand, the Philippines, Romania, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Liow Tiong Lai (Malaysia): Draft resolution S/2015/562 before the Council today is being introduced by Malaysia on behalf of the countries participating in the joint investigation team on the downing of Malaysia Airlines Flight MH-17: Australia, Belgium, Malaysia, the Netherlands and Ukraine. It is on their behalf, as well as on behalf of my own delegation, that I take the floor to explain our position.

A year ago, on 17 July 2014, the international community was shocked by the tragic downing of the civilian Flight MH-17 in eastern Ukraine. The Council was united in its immediate reaction by adopting resolution 2166 (2014) by consensus a few days later. That resolution condemned the incident; called for a full, thorough and independent international investigation, in accordance with international civil aviation guidelines; called on all States and actors to cooperate fully with the international investigation; and demanded that those responsible be held to account and that all States cooperate fully with efforts to establish accountability.

Since then, an independent air safety investigation has been conducted in full compliance with annex 13 of the Convention on International Civil Aviation and the guidelines of the International Civil Aviation Organization (ICAO). The Dutch Safety Board has led the air safety investigation ever since the investigation was transferred by the State of occurrence, that is Ukraine, to the Netherlands. The investigation has been assisted by experts from various countries, including Australia, France, Germany, Indonesia, Italy, the Russian Federation, Ukraine, the United Kingdom and the United States of America.

Alongside but separate from the air safety investigation, the law enforcement agencies of Australia, Belgium, Malaysia, the Netherlands and Ukraine have been cooperating in a joint investigation team to undertake a criminal investigation into the downing of Flight MH-17. The investigation has been undertaken to implement the Council's call in resolution 2166 (2014) for a full, thorough and independent investigation into the incident. The United Nations has expressed confidence that the investigation is being carried out in line with international standards.

On the first anniversary of the downing of Flight MH-17, Secretary-General Ban Ki-moon welcomed the progress made by the independent international investigation, in accordance with resolution 2166 (2014). ICAO has also expressed its support for the ongoing independent international investigation.

A year ago, the Council demanded accountability in resolution 2166 (2014). It is now timely for the Council to take clear and decisive action to demonstrate its political will and determination to pursue the cause of accountability for the senseless killing of those on board Flight MH-17. That is why today, on behalf of

the countries participating in the joint investigation team — Australia, Belgium, Malaysia, the Netherlands and Ukraine — Malaysia is requesting the Council to take action on the draft resolution to establish an ad hoc international criminal tribunal.

It is important for the Security Council to take clear and decisive action under Chapter VII of the Charter of the United Nations against those responsible for the downing of flight MH-17, and to send a very clear message to the growing number of non-State actors with the ability to target civilian aircraft that such attacks are unacceptable. Thus, the establishment of an international tribunal by the Council would send a clear message that the international community is committed to taking action against those who threaten international peace and security by endangering civil aviation. All those who travel by air will be more at risk if perpetrators are not held to account.

An international tribunal would also be best placed to deliver justice to the families of all victims. The creation of an obligation to cooperate with the proposed tribunal would also maximize the prospects for securing international cooperation with the tribunal. The establishment of a tribunal prior to the completion of the criminal investigation would also ensure that this establishment is as depoliticized as possible and consistent with the Security Council's own practice in relation to other ad hoc criminal courts and tribunals. Regardless of who the perpetrators are, we want to ensure that the arm of justice will reach them and that there will be no impunity. Moreover, the draft statute of the tribunal, which is annexed to the draft resolution, would ensure the independence of the judges and the prosecutor and provide full power to the prosecutor to carry out his or her own investigation.

Malaysia, which is one of the countries participating in the joint investigation team, has been engaging with all Council members to seek support for the draft resolution. We have held consultations on the draft resolution and the statute within the Council and engaged in extensive outreach efforts, both in New York and in capitals, to explain our initiative, address possible concerns and seek the support of Council members and the grieving nations. We would like to thank all those who have supported our efforts and sponsored the draft resolution today.

As we submit the draft resolution to the vote, I wish to appeal to all Council members to bear in mind the calls for justice and accountability issued by the victims' families and loved ones, as well as the Council's promise to ensure accountability in resolution 2166 (2014). We must send a clear signal against impunity. The families and loved ones of the victims of the downing of Flight MH-17 will expect no less from us. We ask the Council to support our initiative. Words cannot express how deeply the families of the passengers and crew involved have been affected by these events. Our hope is that they will find some comfort not only in the united support we will have demonstrated here in the Security Council, but more importantly in the action taken by the Council on the draft resolution.

For these reasons, Malaysia will vote in favour of draft resolution S/2015/562. We urge all Council members to do the same.

The President: I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Chad, Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Russian Federation

Abstaining:

Angola, China and Venezuela (Bolivarian Republic of)

The President: There were 11 votes in favour, 1 vote against and 3 abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I now give the floor to those members of the Council who wish to make a statement after the voting.

Mr. Liow Tiong Lai (Malaysia): Malaysia deeply regrets the failure of the Security Council to maintain unity on the downing of Malaysia Airlines Flight MH-17. We are deeply disappointed at the failure to adopt draft resolution S/2015/562, which would have established an ad hoc criminal tribunal for MH-17, despite our persistent efforts to address Council members' concerns and to bridge our differences. Malaysia, together with the countries participating in the joint investigation team, had wanted to pursue this option because it would have generated broad international support for the prosecution process. It

was also the best way to ensure the cooperation of all nations with an effective prosecution mechanism to ensure justice and accountability.

Unfortunately, one year since the unanimous adoption of resolution 2166 (2014), the Council is now taking a step backwards by sending the wrong signal to the victims' families and loved ones. The Council has also failed to implement resolution 2166 (2014), which demands that those responsible be held to account and that all States cooperate fully with efforts to establish accountability. Instead of conveying a message in support of justice and accountability, we are sending a dangerous message of impunity for the perpetrators of this heinous crime, as well as jeopardizing the safety of civil aviation over conflict zones in the future.

I wish to stress that Malaysia will not be deterred by today's unfortunate event. We will remain steadfast in our determination to pursue accountability for the perpetrators and to ensure justice for all the innocent victims on board the ill-fated plane. I wish to sincerely thank all the countries that have supported Malaysia and those participating in the joint investigation team in our endeavour to establish an international criminal tribunal for Flight MH-17.

Moving forward, we will continue with our outreach efforts and consultations with the relevant countries to address any concerns that they may have in the pursuit of justice and accountability for Flight MH-17. Malaysia will also consider and explore other viable options and prosecuting mechanisms in view of today's setback. Council members may rest assured that we will not stop here and that we will never give up. We have to do something; doing nothing is not an option, and we must now move forward with a renewed sense of purpose in order to ensure that we are able to demand justice. We owe it to the families and loved ones of the victims to soldier on in our quest for justice and accountability.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We would like to begin by again extending our condolences to the families of the deceased, as well as to the Governments of the countries whose citizens were on board the flight that crashed in Ukraine on 17 July 2014. Russia has consistently advocated for a swift determination of the reasons for the crash of Malaysia Airlines Flight MH-17 and the bringing to justice of those responsible for the tragedy. Moreover, we have repeatedly contributed to the achievement of those objectives through concrete actions.

The Russian delegation did everything in its power to ensure that the Security Council adopted resolution 2166 (2014) as soon as possible. In the course of its drafting, we insisted on including provisions with regard to the need for a comprehensive, thorough, independent international investigation under international civil aviation guidelines and with the International Civil Aviation Organization playing a leading role. Moreover, we were fully open to the immediate adoption of another draft resolution that would provide early access to the crash site to the joint investigation team. However, the States concerned chose to act outside the Council and on the basis of bilateral agreements with Ukraine, whose elaboration took additional time.

In resolution 2166 (2014), we insisted on the inclusion in the text of provisions concerning the immediate cessation of all military activities in the area directly adjacent to the crash site. It was the Russian Federation that raised in the Security Council the issue of Kyiv's violation of that provision in August, when the Ukrainian authorities unilaterally declared they would no longer adhere to the ceasefire agreement, as a result of which the joint investigation team was forced to suspend its work for a lengthy period.

Within the framework of the technical investigation, pursuant to annex 13 to the Convention on International Civil Aviation, Russian experts transferred to the Dutch side all the information requested of us, including data from the Rostov radar station of the air traffic control system. A few days after the crash, the Russian Ministry of Defence held a briefing during which it released all Russian satellite data, which were also sent to the Dutch side. Analysis and calculations regarding one version of the catastrophe — that the flight was shot down by a surface-to-air Buk-type missile — were also sent to the Netherlands by experts of the Russian manufacturer Almaz-Antey. To that end, data concerning the technical characteristics of such missiles was declassified. Russia was the only country to make public such data.

Unfortunately, a year after the adoption of resolution 2166 (2014), serious issues remain as to how the investigation has been conducted. Russian experts were not provided equal access to the various aspects of the technical investigation. They unilaterally provide their data and calculations, but remain unaware of what then happens to the information. We have repeatedly offered to provide qualified experts and equipment to carry out complicated work, for example, metallurgical analysis, which would have enabled us, by testing pieces

of the wreckage, to determine the type of missile that brought down the plane. All that remains unanswered.

Turning to criminal investigations, they are being carried out by members of the joint investigation team in a closed fashion. It was reported that an agreement had been reached by the five countries not to disclose information. Given this case, what grounds are there to be assured of the impartiality of this investigation? Can the investigation stand up to the backdrop of aggressive propaganda from the media? Can it withstand the pressure of an obvious political put-up job when the causes of the disaster and those responsible are announced in advance? Moreover, such statements are being made by a number of the leaders of States that make up the joint investigation team.

The Russian Federation was the only country to point out that resolution 2166 (2014) provides for comprehensive United Nations assistance for the investigation. We offered to consider the creation of the post of a Special Representative of the Secretary-General, which would have helped to ensure a truly international and transparent investigation. However, our proposal was not accepted. Also not fulfilled was the instruction to the Secretary-General in that resolution to submit to the Security Council a comprehensive set of options for facilitating United Nations assistance for the investigation.

What did we get instead? We got something that was summarily prepared outside the Security Council, without thoughtful consideration of the available options for a criminal investigation: a draft resolution under Chapter VII of the Charter of the United Nations. Our position that this was a premature, ill-defined and legally untenable step was not heeded. We have come up with an alternative draft resolution aimed at ensuring that we fully harnessed the potential of resolution 2166 (2014) and to ensure a genuine international, independent and comprehensive investigation. After reaching that goal, we could have revisited the issue legal mechanisms to bring perpetrators to justice. We would like to stress that our draft document remains on table. We believe that its proposals and ideas are still relevant.

We have repeatedly stated that we do not support the idea of setting up a tribunal under Chapter VII of the Charter. There are no grounds for it, given that in resolution 2166 (2014) the Security Council did not classify the Boeing tragedy as a threat to international peace and security. It is difficult to explain how this event, which a year ago was not considered to be a threat to international peace and security, now suddenly becomes one. In principle, issues pertaining to organizing a criminal investigation do not fall under the remit of the Security Council.

Well-known exceptions have been made owing to the need to determine those guilty for mass crimes deemed by the international community to be of the most serious nature. However, the experience with the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda can hardly be considered positive, given that they were very expensive, that they took a long time to carry out their work, that they were subject to political pressure, et cetera. No precedent in principle exists for the establishment by the Council of international tribunals to bring to justice those responsible for transportation disasters.

This is something that has also happened in Russia, of course. In 2001, a Siberia Airlines flight was shot down over the Black Sea by Ukrainian anti-aircraft missiles. There was also the incident involving the Iran Air flight shot down over the Strait of Hormuz in 1988 by a missile fired from an American destroyer. National investigations were carried out at the time in Ukraine and in the United States, but no determination was made that a crime had been carried out. However, resolution 616 (1998), adopted following the deadly downing of the Iranian airliner, did not qualify the incident as a threat to international peace and security.

Here is another example. In 2010, Russia proposed an initiative to set up a special international tribunal to prosecute pirates. We were prompted to do so by the unprecedented increase in the number of pirate attacks off the coast of Somalia. Effective mechanisms for the prosecution of pirates did not exist at the time; those apprehended at sea were often just released. The idea of an international tribunal for pirates did not enjoy support in the Security Council, despite the fact that the qualification of the situation as threatening international peace and security was quite clear.

Arguments regarding the lack of efficiency, slowness and the unwieldiness of such mechanisms then emerged as the main arguments, especially from those who now support the draft resolution on the Boeing incident. We must therefore note that the draft resolution (S/2015/562) that was put to the vote today lacked any legal basis or precedent. We have repeatedly explained this to our colleagues and urged them to consider alternatives. However, the authors of the draft

resolution have refused to act in a spirit of cooperation and put it to a vote, knowing that it would not lead to a positive outcome. In our view, this points to the fact that political aims were more important to them than practical objectives. This is regrettable.

In conclusion, I would like to emphasize that Russia is ready to cooperate in the conduct of a full, independent and impartial investigation into the causes and circumstances of the crash of the Malaysian airliner, based on the provisions of resolution 2166 (2014) in order to identify and punish the perpetrators. The position that we have adopted today has nothing in common with promoting impunity.

Ms. Power (United States): I thank all the Ministers who have travelled to New York for this important meeting.

Shuba Jaya and her husband Paul Goes were flying back home from the Netherlands, where they had brought their one-year-old daughter, Kaela, to meet Paul's parents for the first time. Nick Norris was bringing his three grandkids, Mo, age 12, Evie, age 10, and Otis, age 8, back to Perth from a family vacation, so that the children's parents could have a few days of holiday to themselves. Tambi Jiee and Ariza Gazalee were moving back to Malaysia after more than two years of living abroad. With them were their sons, Muhammad Afif, age 19, Muhammad Afzal, age 17, and Mohammed Afruz, age 13, and their daughter, Marsha Azmeena, age 15. All of these families were on Malaysia Airlines Flight MH-17. All of them are gone.

Among the 298 people on board were students and teachers, florists and flight attendants, entrepreneurs and restaurateurs, an aerospace engineer and a supermarket cashier. Some 80 of the passengers were children. Their loss is immeasurable.

The loss is felt by generations of students of 72-year-old Sister Philomene Tiernan, a member of the Society of the Sacred Heart, a religious order devoted primarily to advancing girls' education. Sister Phil, as her students knew her, was returning home after visiting the church in France where the remains of the religious order's founder are buried. The loss is felt among people who may never have met the victims but whose lives were touched and at times permanently altered by their work. I am speaking of victims like Joep Lange and his partner, Jacqueline van Tongeren, who were among the passengers headed to the twentieth International AIDS Conference. Joep was a renowned researcher who helped make antiretroviral treatments cheaper for people who otherwise could not afford them. Jacqueline worked for an non-governmental organization that promotes health solutions for poor communities. I am speaking of victims like Willem Witteveen who was not only a deeply respected scholar of the law and political theory but also a dedicated public servant, having served for nearly a decade as a Dutch senator.

But the loss of the 298 individuals is of course felt most profoundly by their families. Dora Shahila Kassim was the lead flight attendant and a single mother. She had worked hard to ensure that her 16-year-old daughter, Diyana, had every opportunity. "She was not just my mother but my father, my best friend," Diyana said. "I do not know how I am going to live without her." Silene and Rob Fredriksz's son, Bryce Fredriksz, age 23, was on the flight with his girlfriend, Daisy Oehlers, age 20. The young couple lived with Bryce's parents. Since 17 July 2014, Bryce's parents have left the room just as Bryce and Daisy left it, with the bed unmade and clothes strewn around the floor. Silene cannot bring herself to touch it. The space, she said, still breathes Bryce and Daisy.

This could have happened to any of our families. Our sons or daughters, our mothers or fathers, our grandparents or aunts and uncles — any of the them could have been on that flight. So could our teachers, our colleagues, our neighbours, our best friends. The passengers on that flight came from 18 nations, including my own, but they could have come from any of our countries. In that way, the families of the 298 passengers and the communities and nations they belonged to are all of our families.

The United States believes firmly that those who carried out this unspeakable crime cannot remain unnamed and unpunished. When the Netherlands, Malaysia, Australia, Belgium and Ukraine put forward draft resolution S/2015/562, we supported their efforts. Of course, justice by itself will not fill the profound void left behind with the loss of those on Malaysia Airlines Flight MH-17. But efforts to deny justice only intensify the pain of the victims' families who have already endured more than any of us can fathom. That was the effect when Russian-backed separatists prevented investigators from gaining full and timely access to the crash site. It was the effect of Russia's refusal even to negotiate today's draft resolution and statute, essentially preventing any meaningful negotiation of

those texts from taking place. It is the effect of Russia's veto today.

By vetoing today's draft resolution, Russia has tried to deny justice to the 298 victims on that plane and deny their families a chance to hold accountable those responsible. Russia has callously disregarded the public outcry in the grieving nations and the appeals of the families affected. It is tragic that Russia has used the privilege entrusted to it to advance international peace and security for the purposes of frustrating international peace and security.

But let us be clear — today's veto cannot and will not deny the victims and their families justice. There cannot and will not be impunity for those who downed a civil airliner with 298 people aboard. When justice is denied for those 298 individuals and their families and their communities, it is denied for all of our families, communities and nations. While we are outraged and gravely disappointed by the outcome of this vote, today we say to those families that no veto will stand in the way of this heinous crime being investigated and prosecuted and that no veto will weaken our unshakeable commitment to them to ensure that they and their loved ones have the justice they deserve.

Mr. Baublys (Lithuania): I welcome you, Mr. President, Minister Liow Tiong Lai of Malaysia, Minister Bishop of Australia, Minister Klimkin of Ukraine, and Minister Koenders of the Netherlands to the Security Council. Their presence here is a testament to the commitment of their Governments to seek accountability and justice for the downing of Malaysia Airlines Flight MH-17 near Torez, Donetsk oblast, on 17 July 2014.

Our deepest sympathies go to the families of the victims in the Netherlands, Malaysia, Australia, Indonesia, the United Kingdom, Germany, Belgium, the Philippines, New Zealand and Canada. Words may soothe the grieving families, but the heinous crime that was committed calls for an answer from the Security Council. It needs all States to cooperate fully in establishing accountability, which is what was precisely demanded by resolution 2166 (2014) unanimously adopted by the Council.

Today's veto by Russia has denied for now an avenue for the families of the victims to bring perpetrators to justice. Russia's actions are deeply troubling, but they are hardly surprising. Since 17 July 2014, Russia has been acting with regard to the independent Flight MH-17 investigations as if it had something to hide, as if there was somebody to mislead, someone to throw off course by disinformation. Today is no exception. The grim reality on the ground, however, belies the Russian narrative.

Russian-backed illegal armed groups in control of the crash site tampered with evidence for days and weeks and precluded and restricted access for international experts and monitors from the Organization for Security and Cooperation in Europe (OSCE). Only after immense international pressure under resolution 2166 (2014) were independent investigators able to conduct identification of the remains of the victims and collect evidence. Their work is vital, and we call on all States concerned to cooperate.

The Dutch-led independent international investigation team includes experts from Australia, France, Germany, Indonesia, Italy, Malaysia, Russia, Ukraine, the United Kingdom and the United States, as well as from the European Aviation Safety Agency and the International Civil Aviation Organization (ICAO) and enjoys the full trust and confidence of the concerned countries and the international community, including the ICAO and the United Nations. We have every confidence in the investigation. It has been conducted in a manner consistent with ICAO procedures and standards and the Chicago Convention. We thank the Joint Investigation Team countries for their consistent outreach and for their keeping the Council updated.

Lithuania was a sponsor of the draft resolution put forward today by Malaysia (S/2015/562). Today, along with a majority of Council members, we are sending the clear message that acts of violence against civilians will not go unpunished. The shooting down of Flight MH-17 amounted to a threat to international peace and security and was a deliberate act. Accountability is not a concept on paper. An international tribunal backed by the Security Council under Chapter VII of the Charter of the United Nations would have been the best way to ensure the judicial process's impartiality and independence. We will support further efforts to pursue accountability, with or without Russia's cooperation.

The unhindered flow of arms, mercenaries and Russian troops into the sovereign territory of Ukraine created the conditions that enabled this tragedy to happen. Weeks before the downing of MH-17, the separatists claimed that they had acquired an SA-11 Buk missile system and used it to shoot down an Antonov AN-26 cargo plane at high altitude. Such weapons

cannot be bought in a downtown Luhansk market. Nor can they be operated by a Donetsk miner.

The foreign-orchestrated conflict in eastern Ukraine continues unabated, despite Russia's denials of non-involvement, as was also the case with the occupation of Crimea. The ceasefires of September 2014 and February 2015 were intended to enable the combined Russian-separatist forces in Donbas to regroup. Recently, 52,000 Russian troops have been massing on the Ukrainian border. Since last fall, at two Russian-Ukrainian border crossings alone, the OSCE has counted 20,000 men in military uniforms crossing to and fro. That is two divisions without a single visa request. What would the OSCE be able to record if Russia were to comply with the Minsk agreements and allow it to monitor vast areas in Donbas, including the 400-kilometre-long Ukrainian-Russian border?

The ominous signs do not end there. The OSCE has registered large concentrations of heavy weapons in the militant-held areas, including at a railway hub in Komsomolske. Only a few weeks ago, Alexei Markov of the Ghost Brigade in the self-proclaimed Luhansk People's Republic said that his fighters were eager to launch a summer offensive, but that they wanted weapons from Moscow because they had very few, were running short of supplies and needed more troops, artillery and combat vehicles. All hostages and illegally detained persons were supposed to have been released. Russia has evidently found other excuses for ignoring the provisions of resolution 2202 (2015). Nadia Savchenko and other illegally held Ukrainians remain in Russian prisons, facing sham trials.

This human tragedy and suffering in Ukraine must stop. The Minsk agreements must be implemented in good faith. The trilateral contact group, the OSCE and the United Nations should play critical roles. Russia and its militants must stop paying mere lip service to the agreements. Under extremely difficult circumstances, Ukraine is implementing the Minsk agreements. It has begun constitutional reform. It has made genuine efforts to implement painful reforms, fight corruption and liberate itself from the past. Ukraine must be free to pursue the path of reforms its people have chosen. Ukrainians want peace.

Our solemn duty today was not to take sides but to ensure that justice was served. The Council has failed in that task. Today's veto was a desperate attempt to delay accountability, but the efforts of the international community will not end here and those responsible will be held to account.

Mr. Cherif (Chad) (*spoke in French*). I would first like to welcome all the ministers in the Chamber today.

Exactly one year and 12 days ago we witnessed the horror of the downing in Donetsk province in Ukraine of Malaysia Airlines Flight MH-17, which resulted in the deaths of 298 innocent people, 85 of them children. Chad would like to reiterate its firm condemnation of that abominable attack on a civilian aircraft and offer its deep sympathy and heartfelt condolences to the bereaved families and the Governments of the countries from which the victims came. We share in the immeasurable sorrow of the victims' relatives and loved ones and we understand their justifiable impatience to know the truth and demand accountability from those who were responsible for the disaster.

We should recall that resolution 2166 (2014), adopted immediately after the crash on 17 July 2014, states that those responsible for it should be held to account and that every State should cooperate fully with efforts to establish that responsibility. According to the preliminary report on the crash published on 10 September 2014 by the Dutch Safety Board, the plane disintegrated in mid-air as a result of "structural damage caused by a large number of high-energy objects that penetrated the aircraft from outside". However, the origin of those objects was not specified.

Chad continues to support every effort by the international community aimed at demanding accountability and assigning responsibility for the destruction of the aircraft. In that regard, we would like to thank the Malaysian delegation for presenting today's draft resolution S/2015/562, on the creation of an international criminal tribunal. For several reasons, we were in favour from the start of the idea of creating such a tribunal, aimed at bringing to justice the perpetrators of these hateful crimes.

The first is in order to respond to resolution 2166 (2014), which the Security Council adopted unanimously following the incident and which demanded that the destroyers of the Malaysian aircraft be brought to justice. The second is in order to honour the memory of the victims of the tragedy and emphasize our total solidarity with their loved ones, whose legitimate impatience — and that of the many delegations who have come to represent them here today — in the quest for truth and justice we share. The third is in

order to ensure a credible, independent and impartial investigation aimed at achieving justice unshadowed by any pressure or manipulation, and to encourage cooperation between all States to that end. Fourth and last, to send a strong message of deterrence to all those in other areas of conflict who might make attempts to attack the security and safety of international civil aviation.

For all those reasons, Chad voted in favour of the draft resolution presented by the Malaysian delegation, but unfortunately it was not adopted, owing to the opposition of some permanent members of the Council, a fact that we deeply regret. Despite the rejection of the draft resolution, we remain committed to supporting every effort designed to meet the demands of justice and we encourage the countries concerned and the members of the Council to do everything possible to respond to the legitimate expectations of the victims' loved ones.

Mr. González de Linares Palou (Spain) (*spoke in Spanish*): Spain voted today in favour of draft resolution S/2015/562, presented by Malaysia, and we regret that it could not be adopted. My delegation believes that the draft resolution was an appropriate follow-up to resolution 2166 (2014), which the Council adopted unanimously a year ago. It is important to highlight the fact that resolution 2166 (2014) remains in force today. It is also important to preserve the unity that the Council demonstrated at that time.

In that context, I wish to reiterate Spain's condemnation of the downing of Malaysia Airlines Flight MH-17 last July as well as our sorrow at the fate of its 298 civilian passengers and crew, to whose memory I wish to pay tribute once again today.

My country has repeatedly called for accountability of those responsible for this indescribable act. It is unacceptable that the parties to a conflict could resort to indiscriminate violent attacks against civil aviation. The Security Council cannot remain unmoved in the face of this kind of action. On the contrary, it must ensure that those responsible are brought to account, as set out in its resolution 2166 (2014).

I wish to reiterate Spain's firm support both for the technical investigation of the events directed by the Dutch Safety Board in accordance with International Civil Aviation Organization (ICAO) principles, as well as for the criminal investigation being carried out by the Joint Investigation Team. I wish also to acknowledge and give thanks for the role that the United Nations system, in particular ICAO, has been playing, in a rigorous and independent manner, in support of the technical investigation.

As we have previously stated, Spain believes that the creation of an ad hoc international criminal tribunal, as detailed in the Malaysian draft resolution, would be a step forward in the fight against impunity and the quest for justice for the victims. It is important to continue to work to attain this objective and to convey the message that such execrable acts are unacceptable. We have a responsibility to contribute through our actions to the prevention of further such acts, especially because more and more non-State actors are able to do so today. In this way we will contribute to strengthening the safety of international aviation and, ultimately, international peace and security.

Mr. Liu Jieyi (China) (*spoke in Chinese*): A year ago, Malaysia Airlines Flight MH-17 crashed in eastern Ukraine, killing all 298 people aboard. China is deeply saddened by that tragedy and wishes once again to express its sympathy to the bereaved families of the victims and to the countries concerned. We support, in accordance with resolution 2166 (2014), the holding of an objective, impartial and independent international investigation into the incident and the bringing of the perpetrators to justice.

The current focus should be on establishing the truth behind the incident and seeking justice for the victims. China understands the feelings of the sponsors of the draft resolution and in particular those of the bereaved families of the victims of the crash of Flight MH-17, as well as their urgent desire that the perpetrators be punished.

China participated in the consultations on the draft resolution and has all along called on the members of the Council to remain united and meet one another halfway, accommodate one another's concerns and avoid political confrontation. If the Security Council could have achieved consensus on the next step to be taken concerning that incident, it would have sent out a positive signal to the effect that the international community was maintaining a common position on this issue. It would also have helped to establish the truth of the incident as soon as possible.

Under circumstances in which some members of the Council still have major concerns about the draft resolution, to forcibly push forward a vote could

only result in division among the States members of the Council. It will not help to ease the grief of the bereaved families of the victims of the crash of Flight MH-17, nor will it help to establish the facts or bring the perpetrators to justice. For these reasons, China abstained in the voting on the draft resolution.

Mr. Delattre (France) (*spoke in French*): I wish to thank Malaysia and the co-authors of the draft resolution and to welcome the Ministers who are honouring us with their presence today.

We deeply deplore the defeat of the draft resolution on the establishment of an international tribunal to prosecute persons responsible for the downing of Flight MH-17. France supported this major initiative from the beginning.

The creation of the ad hoc tribunal formed a part of the fight against impunity, one of the Security Council's priorities. Today we are once again witnessing the calling into question of one of the Council's major areas of action, one that had until now found consensus among its members. The initiative was also part of the implementation of resolution 2166 (2014), adopted on 21 July 2014 by the Security Council, demanding that those responsible for the tragedy be held accountable for their actions.

Resolution 2166 (2014) marked the unity of the Council in condemning that heinous act. It was also a milestone in clarifying the tragedy, finding those responsible and the demands of justice. The provisions of the draft resolution are by no means revoked by the fact that the draft was rejected today. Make no mistake, the call will continue for the whole truth behind this tragedy to be known, for those responsible to be prosecuted and for justice to be done. The Joint Investigation Team, with which the United Nations is associated through the International Civil Aviation Organization (ICAO) and whose impartiality the United Nations recognizes, must continue its work. We owe it to the victims, who are vividly remembered.

It is deeply shocking that one year after the disaster, in which, let us recall, 298 innocent civilians perished, the Council is unable to respond to the terrible anguish and concerns of entire nations, as evidenced by the presence here today of several Government representatives of the countries concerned. We therefore deeply regret Russia's veto.

Today's vote represents a serious failure for the Council. We must take note of this, but we do not have the right to stop working. We owe it to each of the victims of this tragedy. We owe it to the quest for truth. And we owe it to the values of the United Nations, which must unite us. It is in that spirit that we will soon be called on to continue our work on the follow-up to the international inquiry, which will shortly submit its findings.

Mr. Olguín Cigarroa (Chile) (*spoke in Spanish*): Allow me to welcome your presence, Sir, and that of all of the other Ministers who are here today. One year after the tragedy, we reiterate our condolences to all of the families affected.

My delegation would have liked the Council to have sent a unified message to all of the families of the victims of the tragic downing of Flight MH-17. Resolution 2166 (2014) was a major step forward in clarifying the facts by establishing a Joint Investigation Team, in parallel with the investigation conducted by the International Civil Aviation Organization (ICAO). But there is no doubt that accountability is part and parcel of fundamental values that seek to see justice done and prevent any form of impunity.

Chile is concerned About the effective application of these principles. We have always been ready to support any effort leading to a basic level of agreement that would make it possible to continue to investigate the facts and establish a jurisdictional mechanism that would develop and complement resolution 2166 (2014). Beyond the legitimate legal interpretations, it is essential for us that the exercise of jurisdiction be as expeditious as possible in response to the gravity of the events and because of the undoubted need to provide remedies to the families of the victims. To that end, Chile supported draft resolution S/2015/562 because justice and reparations constitute our world view and sense of collective action.

In conclusion, we would like to end on a hopeful note that the Council will be able to send the message that the international community expects and hopes for — because that reinforces our legitimacy regardless of our reasonable differences.

Mr. Rycroft (United Kingdom): I would like to thank the Ministers of Malaysia, the Netherlands, Australia and Ukraine for marking this occasion with their presence.

The United Kingdom is deeply saddened, frustrated and disappointed that Russia has vetoed draft resolution S/2015/562 today. The draft resolution was about

securing justice for the 298 people — including 80 children and 10 British nationals — who lost their lives on board Malaysia Airlines Flight MH-17. Russia's veto disrespects the victims and insults their families. Through resolution 2166 (2014), the Security Council unanimously agreed that those responsible for that incident be held to account and demanded that all States cooperate fully with efforts to establish accountability. With its veto, Russia is not meeting that demand.

The Security Council had an opportunity today to start a process that would have brought justice and accountability for the families of all those who lost their lives. There are clear precedents for the Council taking this kind of action: securing international support for the Lockerby trial, and establishing the International Tribunal for the Former Yugoslavia and another Special Tribune for Lebanon, among others. A year after the downing of Malaysia Airlines Flight MH-17, this was precisely the moment to establish a tribunal — to send a clear and unambiguous message that the Council will not tolerate impunity and that the Council has a clear responsibility to address violent acts that constitute a threat to international peace and security. We therefore reject the Russian allegation that this draft resolution was an unnecessary and premature move, and that the Security Council should have waited for the investigations to conclude. An operational and fully staffed tribunal takes time to set up. Had we started that process today, the tribunal would have been ideally placed to act on the outcome of the investigations.

Despite Russia's veto, the investigations will continue. The investigators have been exemplary in their professionalism and integrity, working in the most challenging circumstances. We reject any allegations to the contrary. Russia has been involved in both investigations. The Russian Federal Transport Agency has actively participated in the technical investigation and contributed material to the criminal investigation. It is damaging that Russia has chosen to block the best route to establishing a tribunal for that criminal investigation to reach a conclusion. It is through those investigations that we will bring those responsible to account — as resolution 2166 (2014) demands. The veto today will not prevent that. The perpetrators of that terrible crime should find no comfort in Russia's actions today. There must be accountability, and the international community now needs to unite to make that happen.

Allow me to conclude by returning to the victims. To them, Malaysia Airlines Flight MH-17 was meant to be a routine flight to Kuala Lumpur: a business trip, a holiday or a stop-over before a conference. Instead, all 298 people on board lost their lives in a remote part of eastern Ukraine — far from home, far from those they loved and far from those who loved them. They and those whom they left behind deserve justice. Despite Russia's actions today, we will not give up in our pursuit of that goal.

Mr. Ramírez Carreño (Venezuala) (*spoke in Spanish*): Venezuela rejects the reprehensible act that led to the downing of civilian Malaysia Airlines Flight MH-17 in the region of Donetsk, Ukraine, where 298 crew members and passengers perished. We reiterate our solidarity with the families and countries of the victims affected by that regrettable incident, which took place a year ago. We are convinced that, in the framework of combating impunity, justice must prevail in order that those responsible for this tragedy be punished in accordance with the law.

Nevertheless, Venezuela abstained in the voting on draft resolution S/2015/562 because it introduced fractious political elements that could impact the necessary cooperation and trust between the parties in the ongoing investigation, which needs to determine what happened in the downing of Malaysia Airlines Flight MH-17. That needs to be done in order to determine the necessary criminal responsibility to bring to justice those responsible for that reprehensible act. We believe that the reference in the draft resolution to Chapter VII of the Charter of the United Nations goes beyond the political and legal framework set out in resolution 2166 (2014) — which established the objective of determining the path to take in adopting the relevant measures on this issue within the Security Council.

The description of this incident as a threat to international peace and security is untimely and politicizes the handling of this case, which is in the technical phase of investigation — making it a criminal matter. On that basis, we believe that the Security Council does not have the competence to establish an ad hoc international criminal tribunal.

In no circumstances would we like to see to see this deplorable incident and the suffering of the victims be politically used as part of the conflict affecting this region of Ukraine. Our country condemns this attack

against civil aviation. Such acts are inadmissible and must not go unpunished. On this ocassion, we would like to recall the highjacking of the Cubana de Aviación flight in 1966, which resulted in deaths of 73 innocent civilians. The perpetrators of that heinous act still enjoy impunity.

We must bear in mind that, through resolution 2166 (2014), it was agreed to conduct a technical investigation of the incident. The investigation was to be independent, transparent and impartial — following the procedures and standards of the International Civil Aviation Organization. The resolution also called for the full cooperation of all the parties concerned. The investigation into the causes and the search for the perpetrators continues. We believe that such efforts to obtain facts and the truth must continue. We therefore believe we should encourage efforts to that end in order to arrive at the facts. Let us not prejudge or reach conclusions that are unfounded. We must avoid the politicization of this affair within the Security Council and continue with the investigations, which we hope will produce results enabling us to determine the causes of this deplorable incident and the responsibility for it — with the cooperation of this organ. Venezuela is fully prepared to contribute in any way to clarifying this painful event.

Mr. Gimolieca (Angola): Angola abstained in the voting on today's draft resolution S/2015/562, introduced by Malaysia, on the establishment of an international tribunal for prosecution of those responsible for crimes connected with the downing of Malaysia Airlines Flight MH-17.

At the outset, let me be clear. We condemn in the strongest possible terms the downing of Malaysia Airlines Flight MH- 17 over Donetsk, Ukrain, on 17 July 2014 — a tragic event that resulted in the loss of all 298 passengers and crew members on board. We emphasize the need and importance of holding accountable those responsible for those acts in order to establish justice for the victims and their families, to set an example that acts like those can be punished, and to protect civil aviation from such intolerable deeds.

Nevertheless, we are convinced that resolution 2166 (2014) continues to be the applicable legal framework for international cooperation in the interests of a full, true, definitive and transparent investigation into the incident in accordance with international civil aviation guidelines. As the criminal international investigation is yet not complete, we are of the view that, at this stage, Member States should be engaged in a comprehensive process of consultations. The Security Council resolution 2166 (2014) stipulates that the Secretary-General should identify possible options for United Nations support to the investigation and report to the Council on the relevant developments.

We are therefore convinced that the establishment of a criminal tribunal is a premature solution and that the most appropriate mode of action would be to wait for the results of the investigation. We regret that once again the Council was not able to reach the required level of compromise for the consensus needed in a text acceptable to all members.

Mrs. Ogwu (Nigeria): One year ago, the Security Council unanimously adopted resolution 2166 (2014). The resolution calls for an investigation into the downing of Malaysia Airlines Flight MH-17 in accordance with international civil aviation guidelines. Most significantly, the resolution calls for accountability, transparency and justice for the victims. It is for those reasons that Nigeria voted in favour of draft resolution S/2015/562, which the Council has just considered. Had it been adopted, the draft resolution would have authorized the establishment of an international criminal tribunal to ascertain culpability for the crash as a precursor to prosecution and trial.

The establishment of the tribunal would not only have brought justice to the victims and closure to their families, it would also have sent a strong message that the international community will not tolerate any act that threatens the safety of international civil aviation. We regret that the draft resolution was not adopted. Indeed, that brings to the fore once again the need for the Council to cultivate the practice of adopting a unified stance on matters requiring leadership in pursuit of international peace and security.

Mrs. Kawar (Jordan) (*spoke in Arabic*): At the outset, allow me to welcome the Ministers who have come to this meeting from Malaysia, New Zealand, Australia, the Netherlands and Ukraine. We certainly appreciate all the efforts being made by those countries in the independent investigation on the downing of Malaysia Airlines Flight MH-17.

One full year later, Jordan voted in favour of draft resolution S/2015/562. We support the establishment of an international tribunal to prosecute the perpetrators of the downing of Flight MH-17. We believe that the perpetrators must be held accountable. Their actions

led to the killing of 298 innocent persons. They must be brought to justice under an independent judicial mechanism that ensures effective, clear measures to hold them accountable.

The importance of the draft resolution does not just lie in holding accountable the perpetrators of such acts, but also serves to deter any attempt to threaten the safety and security of international civil aviation in general. The targeting of civil aviation could stand as a precedent unless it is uprooted and deterred. We must prevent more such crimes and must not allow the targeting of civilians. We must not fail to hold perpetrators accountable.

Although the draft resolution before the Security Council was not adopted today, efforts must continue to reach a common understanding on the measures to be taken and their implementation according to the options presented by the Secretary-General. We stress the importance of cooperation among all States in order to achieve justice for the victims of that tragedy.

The President: I shall now make a statement in my capacity as the Minister for Foreign Affairs for New Zealand.

Today, the Council has been asked to remember the tragic events of 17 July 2014 in which 298 people were killed, including one New Zealand citizen and one resident. One year ago, the Council adopted unanimously resolution 2166 (2014), which condems the attack and calls for those responsible to be held to account. Today's draft resolution S/2015/562 sought to establish a mechanism by which that accountability could be sought. The fact that we have not preserved the unanimity that characterized resolution 2166 (2014) is deeply disappointing.

In failing to find a way forward, the Council has let down the families and friends of those killed on Malaysia Airlines Flight MH-17, and has let itself down as well. This is a matter on which the Council should have been able to agree. For the Security Council, charged with upholding international peace and security, not to be able to agree on an accountability process when a commercial airliner was brought down and 298 people were killed is indeed a serious indictment. This does not appear to me to be a matter that can be seen in shades of grey: either we follow a path of accountability or there is impunity. I very much regret that the latter was the result of the Council vote today.

As President of the Council, we worked hard to promote a consensus outcome. However, the positions on the establishment of a tribunal at this time were not reconcilable. That this outcome has been achieved by the use of the veto is a matter of special regret to my country. New Zealand has opposed the veto consistently since 1945, and we oppose its use today. We as a Council simply have to find better ways of working together.

The countries that suffered heavy losses, including in particular Australia, Malaysia and the Netherlands, are our close friends. New Zealand supported and co-sponsored the draft resolution for an international tribunal as a serious effort to establish accountability for the downing of Flight MH-17. That is the least we can do to honour the victims and alleviate the grieving of their families.

I conclude by conveying the condolences of my Government and country to the families and friends of the victims of Flight MH-17 and our strong regret that the Council was unable to meet its obligations to them today.

I resume my functions as President of the Council.

I give the floor to His Excellency Mr. Albert Koenders, Minister for Foreign Affairs of the Kingdom of the Netherlands.

Mr. Koenders (Netherlands): I appreciate the opportunity to speak here today on behalf of the Netherlands and the Dutch people. Today we recall the tragedy of Malaysia Airlines Flight MH-17, which occurred a little over a year ago. We mourn all 298 men, women and children on board on that flight from Amsterdam to Kuala Lumpur. Today is also the day that the pursuit of justice is called for.

On the 17 July, at the memorial service organized by the families of the victims, I saw once again how deeply this tragedy has wounded so many people in the Netherlands and in many other grieving nations. One hundred and ninety-six Dutch citizens were killed. Innocent men, women and many children. Many more families and friends were left behind in despair and are wondering why. Why them? Their wish, their desire, is for justice to be done: a cry for accountability, a cry for this important organ to act.

In response to the incident, the Security Council adopted the crucial resolution 2166 (2014), which condemns the downing of Flight MH-17 — which resulted in the terrible loss of so many lives — calls

upon all the parties involved to facilitate recovery and repatriation and demands that those responsible be held to account. The resolution created hope for those who lost loved ones.

My country has abided by the resolution. We set out a three-step approach in close cooperation with other affected countries. That approach includes, first, repatriation and identification of the victims; secondly, a thorough and independent investigation into the cause of the crash; and, thirdly, justice for the victims and for those responsible.

The Netherlands has regularly and thoroughly informed the Security Council of the progress made on those three steps. First, all but two victims — both Dutch citizens — have been identified and repatriated. Secondly, the technical investigations into the cause of the crash are nearly complete, and the completely independent Dutch Safety Board is expected to release its final report in October. And, thirdly, the criminal investigation being carried out by the joint investigation team set up by Australia, Belgium, Malaysia, the Netherlands and Ukraine is at a very advanced stage.

That brings us to our ultimate task, namely, holding to account those directly or indirectly responsible for the downing of Flight MH-17. Bringing them to justice is not only our duty to the victims of this tragedy; the Council's important resolution 2166 (2014) demands it. In that resolution, the Council acknowledged its authority and responsibility to see this matter through to its logical conclusion in the following ways: by reaffirming the international legal prohibition of acts of violence that pose a threat to international civil aviation; by calling on all States to cooperate fully with the international investigation of the incident; by demanding that, as called for in the resolution 2166 (2014), those responsible for this incident be held to account and that all States cooperate fully with efforts to establish accountability. That imposes an international obligation to prosecute the perpetrators.

Let me ask the following question. When the Council called upon all States to act in that way, did the Council not assume that it too had a responsibility? After all, this is the highest political institution representing the international community. When the Council decided to remain actively seized of the matter, did it not foresee a role for itself in guaranteeing compliance with the resolution by all States Members of the United Nations in the interests of all those who lost their lives that afternoon above the skies of the Ukraine?

On behalf of the Netherlands, Australia, Belgium and Ukraine, Malaysia presented to the Council a thorough and carefully drafted proposal for an international criminal tribunal, to be established under Chapter VII of the Charter of the United Nations. Our purpose is to create a timely, depoliticized and credible mechanism to ensure that the perpetrators face justice and are held to account.

We came to the Council with a desire to see justice done in the most effective, impartial and legitimate way, with the greatest possible chance of success. I would like to thank those Council members who have supported the Malaysian draft resolution and believe that this terrible crime deserves the attention of the Security Council and the best possible prosecution mechanism at our disposal. I express my deep disappointment that Russia has used its veto to stop the Council from actively ensuring that justice is served. My thoughts go out to the families of the victims who had placed their hope on the resolve of the Council to set up this tribunal.

We listened carefully to the arguments and concerns Russia voiced. We engaged and answered all — and I underline — all its questions. We made very clear that this is the best way forward, giving the demand for accountability by the Security Council itself. The accountability process is duly under way and in line with international standards. It makes no sense at all for the Council to stop it here. As said, the Dutch Safety Board has finished the investigation into the cause, and will publish its report in October. The criminal investigation is well under way, now we should have acted in order to be ready for the follow-up.

We have made the case for a prosecution mechanism that transcends politics. The idea to establish a tribunal now was born to ensure an independent and depoliticized procedure, before the results of the investigations would point at certain possible perpetrators. I find it incomprehensible that a member of the Security Council obstructs justice in a tragedy that has affected so many. Impunity will send a very dangerous signal and will threaten the safety of civil aviation — the safety of all of us, the safety of Council members.

We, the countries working together on the criminal investigation, will not stop in our endeavour to ensure that those responsible for this violent act are held accountable. We have the support of many in this Chamber and many more outside. My country will not rest until all the facts are known and justice has

been been served. We expect the world community to continue to cooperate with us in our efforts to bring the perpetrators to justice, in accordance with resolution 2166 (2014). The Netherlands, Malaysia, Australia, Belgium and Ukraine will continue to work together to find the best way of prosecuting those responsible. We will continue working together to ensure justice is served, and we will lose no time in pursuing this.

The President: I now give the floor to Her Excellency Ms. Julie Bishop, Minister for Foreign Affairs of Australia.

Ms. Bishop (Australia): Thirty-nine Australians were among the 298 men, women and children whose lives were tragically taken when Malaysia Airlines Flight MH-17 was brought down over eastern Ukraine, just over 12 months ago. Among our number were six children, two religious leaders, two doctors, a number of teachers, an award-winning fiction writer and a promising aerospace engineer. They were loved ones who by a cruel twist of fate became victims of an atrocity — the downing of a civilian aeroplane flying in commercial airspace on a routine flight. Millions and millions of people around the world place their trust in the security of civil aviation as a matter of course each and every moment of each and every day.

Those who perished aboard Flight MH-17 were precious; each one mourned by heartbroken families and friends. I have spoken to the Australian families over the past year, and again as recently as the 12-month anniversary of this tragedy on 17 July. Their loss is incalculable; their grief inconsolable. They are desperate for answers. It is vital for them that those responsible for the deaths of their cherished ones be held to account for those actions.

Together with the Netherlands, Malaysia, Ukraine and Belgium, Australia requested that the Security Council establish an independent, international tribunal to prosecute those responsible for bringing down Malaysia Airlines Flight MH-17. The friends and families of those on board that ill-fated flight deserve justice. That is what the unanimously adopted resolution 2166 (2014) of 21 July last year demanded.

Our draft resolution and accompanying tribunal statute were designed to do nothing more and nothing less than translate into action that demand for accountability enshrined in resolution 2166 (2014). Our motivation was and is to provide justice to the families and to deter those who would threaten the safety of international civil aviation, for we must ensure that this never happens again. In a world with an increasing number of violent terrorist groups and other non-State actors, many with sophisticated military capabilities, it is inconceivable that the Security Council would now walk away from holding to account those who brought down a commercial aeroplane.

The veto only compounds the atrocity. Only one hand was raised in opposition, but a veto should never be allowed to deny justice. The recital of discredited contentions and the anticipated excuses and obfuscations of the Russian Federation should be treated with the utmost disdain. The exercise of the veto today is an affront to the memory of the 298 victims of Flight MH-17 and their families and friends. Russia has made a mockery of its own commitment to accountability enshrined in resolution 2166 (2014).

If Russia has evidence relevant to this matter, surely Russia would want it heard by a wholly independent and impartial tribunal set up by the Security Council, of which it is a member, and with a registar, prosecutor and judges appointed by the impartial Secretary-General. The tribunal would have operated in accordance with the highest international standards under the auspices of the Security Council, of which Russia is a member. It has been alleged that our request for the Council to act is premature, but the establishment of a prosecution mechanism before the completion of a criminal investigation is wholly in keeping with the Council's own practice. The findings of the criminal investigation must be able to be delivered to a prosecuting authority that can conduct its own investigations.

In unanimously adopting resolution 2166 (2014) last year, the Council demanded that those responsible be held to account and that all States cooperate fully with efforts to establish accountability. Resolution 2166 (2014) sent a definitive message that there would be no impunity for those responsible. Today, one member has prevented the Council from fulfilling its commitment to the friends and families of the victims of Flight MH-17 and to the international community. Those responsible may believe that they can now hide behind the Russian Federation veto. They will not be allowed to evade justice.

Australia deeply appreciates the support the draft resolution received from the overwhelming majority of Council Members, as well as from other grieving nations. I make this pledge to the families and friends of those aboard Flight MH-17 — Australia will continue

to do everything we can to ensure that the perpetrators of that barbaric act are held to account. While we have found the Security Council's door closed today, we have also found that the commitment to justice in the international community is strong. On the back of this support, Australia, together with the other members of the joint investigation team, will decide on an alternative prosecution mechanism to ensure that truth does prevail and that those responsible for this unspeakable act are brought to justice. Council members may rest assured that there is no end to our determination in this regard.

Twelve months ago, the tragedy of MH-17 shocked the world. Russia has used today's vote to seek to politicize our quest for justice and should rightly be condemned. In defiance of today's veto, we will ensure that the demand in resolution 2166 (2014) for accountability and the cooperation of all States is implemented in full.

The President: I give the floor to the Minister for Foreign Affairs of Ukraine.

Mr. Klimkin (Ukraine): I take this opportunity to congratulate you, Sir, on your effective presidency of the Council for this month. I would like to thank the delegation of Malaysia for requesting the convening of this meeting, and all members of the Security Council and the grieving nations for their strong support for the idea of establishing an international criminal tribunal to hold to account those responsible for the downing of Malaysia Airlines Flight MH-17.

It is obvious that these historic times will always be remembered, not only because of the number of vetoes exercised by the Russian Federation, but mainly because of the spirit of unity among the countries participating in the joint investigation team and all who support us in our efforts to deliver justice. A year ago, the Ukrainian people took the downing of Flight MH-17 as a national tragedy, and it will always remain so in our hearts. I still remember the sea of flowers in front of the Dutch and Malaysian embassies, and the hundreds of Ukrainians who gathered around those buildings during the night. I will never forget it.

When we heard about this incident, at the very beginning we had some hope that lives might be saved and immediately provided all available resources to the rescue teams. Then we did everything possible to prevent looting and to secure access for the investigators to the areas controlled by the terrorists. Now, our duty to those who died and the families of the victims is to bring to justice those who committed this barbaric act. We, more than anyone, feel the pain of the victims; that is why we want the truth about this crime to emerge. More than anyone, we want the perpetrators to be arraigned and tried by a public international court. There can be no reason to oppose that, unless you are a perpetrator yourself.

I could not agree more with my friends and colleagues, including several Government ministers who have spoken today, but I would like to make several points crystal clear. Resolution 2166 (2014) established an obligation for States to cooperate fully in the course of the investigation of this tragedy and to bring those responsible to justice. The use of a sophisticated and powerful weapon against a civilian aircraft constitutes a threat to international civil aviation and to international peace and security in general. The only effective way to prevent such acts in the future is to punish those responsible without delay. It is indeed an issue for the Security Council to deal with under Chapter VII of the Charter of the United Nations.

The level of support enjoyed by our draft resolution has clearly risen, showing that we are on right track. Our aim here is to create an effective, transparent, unbiased and independent vehicle to bring to justice those responsible for the crime. It is about the individual criminal responsibility of the murderers, and it is not about politics. That is why it is particularly disappointing that one country — Russia, to be precise — still mixes two completely separate issues: its responsibility for aggression against Ukraine and its continuous support for terrorism, on the one hand, and the individual responsibility of the perpetrators of the tragedy, on the other. There is no other explanation for today's veto by Russia.

The role of Russia in the conflict is absolutely clear and well known. Thousands of Russian soldiers and mercenaries and tanks and every type of heavy weaponry have been delivered across the border; that is simply impossible to hide. Just recently, another Russian truck full of weapons and ammunition was captured in Ukraine. The driver is once again a Special Forces officer. But this story is a matter for international mechanisms.

When I look at the Russian delegation today, I feel pity. It dared to dampen the aspirations of the entire world, especially those of the families of the victims. It has aligned itself with the thugs who committed this atrocious crime. But our hope for justice is not lost.

The Russian Federation just killed draft resolution S/2015/562, but that abuse of the veto power will not kill the hope of those who suffered or their love for loved ones and their relatives. It will only make all of us stronger and more determined and more committed to elaborating and implementing an effective and credible prosecution model to deliver justice.

I am reminded of a line from Shakespeare about captive good attending captain ill; let us stop attending captain ill — it is just not worth it. In the face of truth, humanity and God, if one still believes in God, the tribunal in question is about 298 innocent lives. It is about the truth. He who is afraid of truth is definitely on the wrong side of the issue. He who is afraid of truth is alone here in the Security Council. "If you know the truth, the truth will set you free." These are not my words. They are from the Holy Gospel. They come from a higher authority.

The President: I now give the floor to the representative of Belgium.

Ms. Frankinet (Belgium) (*spoke in French*): After the vote on draft resolution S/2015/562 introduced by Malaysia and sponsored by many other countries affected, including mine, by the grief of their citizens, as well as by several members of the Security Council, I wish first of all to express our solidarity with Australia, Malaysia, the Netherlands and Ukraine, our partners in the Joint Investigation Team. Our judicial authorities are making every effort to shed light on the circumstances of the destruction of Malaysia Airlines Flight MH-17 and ensure that justice is rendered to the families and next of kin of the victims of this tragedy.

What we were proposing today to the Council, the establishment of an international tribunal, would have made it possible to reach this objective. Despite the solid legal grounds on which the proposal was based and the broad support it enjoyed, it was not possible to reach an agreement on it within the Security Council, which we can only regret. We must remain committed so that justice can be done, for this is our responsibility towards the victims and their next of kin. This responsibility is shared by our five countries and by the other grieving nations as well as by all countries which, like us, consider that impunity not only is unacceptable, but could also have disastrous consequences for international peace and security.

We are ready to move forward and intensify our contacts and démarches in order to make a reality of what resolution 2166 (2014) asking of us — that all States associate fully with the efforts undertaken to assign responsibility. This has to be done in full respect of the law, which is essential for the victims and their families and friends, and without falling into the trap of any kind of politicization.

We commend the progress achieved by the international air safety investigation carried out in accordance with the guidelines of the International Civil Aviation Organization. The Joint Investigation Team, in which the Belgian judicial authorities participate, is pursuing its inquiry in a totally independent and objective way, in cooperation with all interested parties. We must ensure that this essential work has a judicial follow-up that will meet the expectations of the families and next of kin of the victims, in a timely manner, so that impunity will not prevail over the rule of law and human dignity.

The President: I now give the floor to the representative of Canada.

Mr. Rishchynski (Canada) (*spoke in French*): I thank you, Mr. President, for the opportunity to speak this afternoon.

Canada continues to mourn the terrible loss of life aboard Malaysia Airlines Flight MH-17, which was shot down on 17 July 2014 while flying over an area controlled by the pro-Russian forces in the east of the Ukraine. It is important for the Security Council to take decisive action to ensure that those responsible for the attack against Flight MH-17 answer for their actions and to send a clear message that attacks against civilian aircraft will not be tolerated. Canada has joined other States in mourning to co-sponsor draft resolution S/2015/562. Canada urges all States to cooperate in making sure that those who committed this heinous crime are held accountable for their actions. The international community owes it to the families and friends of the 283 passengers and 15 crew members who lost their lives that a full and impartial investigation into the crime is conducted and the perpetrators brought to justice.

(*spoke in English*)

Canada reiterates its support for resolution 2166 (2014) of 21 July 2014, in which the Security Council urged concerned States and organizations to undertake an independent international investigation. We are grateful to those who have supported the identification of victims, their recovery and repatriation, as well

as the independent technical investigation. Canada has greatly appreciated the work done by the joint investigation team, comprising prosecution authorities from Australia, Belgium, Malaysia, the Netherlands and Ukraine, in conducting the criminal investigation. We have been cognizant of the importance of ensuring that the independent criminal investigation be followed without delay by an equally independent and impartial prosecution of the perpetrators. As such, we believed it wholly appropriate that steps be taken now to establish an international tribunal for this purpose because efforts to further obstruct the investigation or prosecution of this crime or to protect or support the perpetrators simply cannot be tolerated.

Canada is profoundly disappointed by the outcome of today's Security Council vote on the creation of an international criminal tribunal to prosecute those responsible for downing Malaysia Airlines Flight MH-17 on 17 July 2014 over territory controlled by pro-Russian forces in eastern Ukraine. Canada very much regrets that due to Russia's obstruction, the families and friends of the 283 passengers and 15 crew members who lost their lives will not see those responsible for this heinous crime brought to justice by an international tribunal immediately.

The President: I now give the floor to the representative of Germany.

Mr. Braun (Germany): I too would like to express Germany's gratitude to Malaysia and the members of the Joint Investigation Team for introducing the draft resolution before us today (S/2015/562), as well as to the Kingdom of the Netherlands for leading the investigation into the Malaysia Airlines Flight MH-17 tragedy.

We deeply regret that the Council's unequivocal commitment to accountability and justice was vetoed today. A year ago, with the adoption of resolution 2166 (2014), the Council called for a thorough investigation of the downing of Flight MH-17 and demanded that those responsible be held accountable. With that resolution, the Council took on the responsibility of bringing the perpetrators of this heinous crime to justice. Today, it failed in that responsibility. As one of the grieving nations, Germany will do everything in its power to ensure that justice takes its course and accountability is achieved. Establishing an international tribunal on the basis of a Security Council resolution would have represented a significant step to that end, which was why Germany sponsored today's draft resolution, which unfortunately failed to find the Council's approval.

As we speak, the unbearable situation that led to the tragic downing of Flight MH-17 and the loss of so many innocent lives continues. Every day, people in eastern Ukraine are killed or wounded or lose their homes as a direct consequence of the conflict. That has to stop. We call for an immediate and lasting de-escalation of the conflict in order to prevent more tragedies from happening, and we urge all sides to fully implement the Minsk agreements. All of us, but particularly Ukraine and its neighbour Russia, have a profound interest in stabilizing the situation in eastern Ukraine. Germany, together with France, Ukraine and Russia — in the Normandy format and with other partners — has been working hard to end the conflict and find a solution. As we have all seen in the long negotiations on nuclear issues with Iran, in which we also cooperated closely with the Russian Federation and the other permanent members of the Security Council, solutions are possible when all sides approach the issues at hand in a constructive manner.

Today the Council has utterly failed the victims, families and friends of the passengers and crew members killed, among them four German citizens. That does not mean that the perpetrators can triumph and hope for impunity. We, the grieving nations, supported by many others, will not rest until they are held accountable. We sincerely hope, and to that end we call on all members of the Council and all parties concerned, that we can ensure that the Council will find another way to live up to its responsibilities and bring the perpetrators to justice. We owe it to the victims and to all who were close to them.

The President: I now give the floor to the representative of the Philippines.

Ms. Yparraguirre (Philippines): A year ago, the Philippines joined many other delegations in issuing a strong call in the Chamber for a full, thorough and independent investigation of the downing of Malaysia Airlines Flight MH-17, which took the lives of 298 people, including three Filipinos, a mother and her two children. In July 2014, united with us in our grief, the Council adopted resolution 2166 (2014), aimed at securing justice for those innocent and irreplaceable lives and honouring their memory.

Twelve months after the incident and the adoption of that resolution, the world is still groping for answers.

The perpetrators remain free of all accountability. The families of the victims continue to seek answers, justice and closure. If adopted, today's draft resolution (S/2015/562) would have been a crucial step in fulfilling the commitment we made — both to the families of the victims and to the larger international community — to holding the perpetrators of this tragic incident and heinous crime fully accountable.

As one of the grieving nations, the Philippines sponsored today's draft resolution in order to lend our strong support to the initiative taken by the Governments of Australia, Belgium, Malaysia, the Netherlands and Ukraine in seeking an international investigation of the incident and the establishment of an international tribunal for prosecuting those responsible for the downing of Flight MH-17. The Philippines and the Filipino people are indeed indebted to those nations for their sustained efforts and to those who believed in the merits of the draft resolution and gave it their full support.

We deeply regret, however, that the Council was unable to adopt the draft resolution today, representing a huge disservice to those who perished and to their families, their nations and the world. But the search for answers and justice will continue. The Philippines stands ready to support and collaborate with other countries to ensure that those responsible are finally brought to justice and that such tragic incidents will never happen again.

The President: I now give the floor to the representative of Ireland.

Mr. Mawe (Ireland): I would first like to take this opportunity to convey my deepest condolences to the people and Governments of all the countries touched by this terrible event, and in particular the families of the innocent victims. Ireland itself remembers the loss of an Irish-born citizen who was aboard Flight MH-17, and I wish once again to convey our sympathies to her family for their devastating loss.

A little more than a year ago, the Council gathered here in the days following the downing of Flight MH-17. In a clear indication of the manner in which the event affected and shocked each and every nation, an unequivocal message was delivered through the unanimous adoption of resolution 2166 (2014). It was a sincere expression of compassion towards the victims, and it also acted on the desire to ensure humane and dignified treatment of their remains, a full, thorough and independent international investigation determining the exact course of events, and the holding to account of those responsible.

A year later, we welcome the progress made in identifying and swiftly repatriating the victims and their possessions and in establishing an effective, professional and independent investigation led by international experts. The sole task remaining is setting up an independent and impartial accountability mechanism to bring those responsible to justice in a credible and legitimate manner.

As we recently marked the first anniversary of this terrible tragedy, the shocking and harrowing images of the crash site and the overwhelming loss of innocent life have once again been appearing on our television screens and in our newspapers. Resolution 2166 (2014) sought to ensure that those scenes, and the actions behind them, would not go unchecked and that the callous disregard for human life demonstrated by those responsible would not be without consequence. Today's draft resolution (S/2015/562) merely sought to deliver on the objectives of resolution 2166 (2014).

I would like to warmly commend Australia, Belgium, Malaysia, the Netherlands and Ukraine for their leadership in bringing the draft resolution to the Council. A tribunal of the type it proposed would be a definitive endorsement of the global community's commitment to creating a transparent, effective and authoritative accountability mechanism for delivering justice in an independent and impartial manner. The establishment of such a tribunal now, in advance of the publication of the investigative reports, would have ensured that any actions taken on the basis of those reports would not become politicized.

Security Council tribunals have a proven track record. The establishment of such a tribunal in advance of the completion of the investigation would not represent an anomaly or a precedent; in fact, it would be a continuation of established practice. All other similar ad hoc tribunals, such as were established in the wake of conflicts in the former Yugoslavia, Rwanda and Lebanon, were set up prior to the completion of their investigations.

As an island nation, Ireland understands as well as any other the importance of civil aviation. The second busiest international air route in the world passes through Dublin. Civil aviation has strengthened our links with the fraternity of nations and is our gateway

to the world. It is an indispensable tool for global communication, security and prosperity. Is it possible to maintain a global civil aviation industry if the absolute safety of our skies is in any way compromised by a lack of accountability for incidents such as that involving Flight MH-17? Surely, putting the safety of our skies at risk for civilian travel is by any measure a threat to international peace and security.

It is incumbent upon the global community to join together in order to create a single, mutually acceptable and coordinated accountability mechanism to deliver justice in an independent and impartial manner. It behoves us to continue to act with the same degree of decisiveness, cooperation and solidarity as we did in the weeks immediately following this disaster.

The President: I now give the floor to the representative of Israel.

Mr. Prosor (Israel): One year ago, last July, we witnessed the horrific scene of a civilian aircraft blown out of the skies over Ukraine. The lives of 283 passengers and 15 crew members were shattered in an instant, but the pain of their families continues to this day. Among those killed were 80 children, 80 precious girls and boys who lost their lives in one tragic moment.

As a representative of one of the grieving nations, I join with my colleagues to remember those we lost on Flight MH-17, to declare our support for the investigation and to insist that those responsible be held to account. The downing of this civilian aircraft was not simply a tragedy, it was a deliberate attack. The attack was an attempt to disrupt the law and order of the skies and to instil fear in those who use air travel.

Tragically, we in Israel are all too familiar with attempts to use violence to paralyse our lives and our routines. We have learned from this painful experience that if we do not take steps to deter future attacks, the consequences can be dreadful.

On that difficult day one year ago, 298 people were killed as they made their way through the skies. The passengers on the fated flight spoke different languages, had different destinations and different plans, but they all shared one thing in common: they were all innocent people going about their daily lives.

One of the passengers on board was Itamar Avnon, a 27-year-old Israeli citizen. Itamar was on his way back to Australia, where he was a second-year business student at Swinburne University in Melbourne. Itamar had returned to Israel for the wedding of a friend and to visit his 96-year-old grandfather in Haifa. He then flew to visit his family in the Netherlands, tragically, for the last time. Although his life was short, he filled those years with life. Whether it was his love of travel, of football, or, most importantly, his friends, Itamar lived life to the fullest and brought love and laughter to all who knew him. May his memory, and the memory of all those who perished, be a blessing.

We thank and support those carrying out the investigation into this horrible incident, and we welcome the progress made so far. We look forward to the final report.

The President: I now give the floor to the representative of Viet Nam.

Mrs. Nguyen (Viet Nam): At the outset, I would like like to thank the Ministers, who came from far away to attend this important meeting.

One year has passed since the tragedy of Malaysia Airlines Flight MH-17, which caused the loss of the lives of 298 passengers and crew members, among whom were a Vietnamese family of three. Viet Nam is grateful for the effective cooperation in the recovery and repatriation of the victims as well as the support for their families. We appreciate all of the efforts made by the relevant parties to investigate this incident, including the efforts by the Joint Investigation Team, and we take note of the preliminary report.

Viet Nam once again reiterates our request for a continued independent, objective and transparent investigation, in line with resolution 2166 (2014). We call upon all relevant parties to fully cooperate in the investigation. We are of the view that the perpetrators must be brought to justice through appropriate mechanisms, in accordance with international law and the Charter of the United Nations.

Viet Nam stands ready to work closely with all of the parties concerned in our efforts to adequately address this incident.

The President: I now give the floor to the representative of Indonesia.

Mr. Percaya (Indonesia): I would like to thank you, Mr. President, for convening this meeting on the subject of Malaysia Airlines Flight MH-17, which is of great importance to us. My delegation also thanks Malaysia for initiating the proposal on that issue.

It has been one year since the deeply troubling downing of Flight MH-17. But the pain and sorrow at the deaths of all those who perished in this most inhumane event, who included Indonesians, has not diminished.

It is deeply regrettable that the Council has failed to unite in taking measures to address the issues related to the downing of Flight MH-17. Indonesia, and, I believe, all other grieving nations owe it to the victims of this tragedy and their families to take effective measures. There must be appropriate measures to hold those responsible accountable, and there should also be clear measures to prevent similar incidents from ever happening again. This includes ensuring the observance of international law, particularly relevant international humanitarian law, greater international cooperation; and an unequivocal combined stand that such incidents will not be tolerated.

Indonesia reiterates its support for resolution 2166 (2014) and urges the Council to fulfil its commitment and responsibility to take all follow-up measures to fully implement the resolution, including to bring those responsible for the downing of MH-17 to justice. Several countries have worked together in the past year to provide clarity to those affected by the tragedy. In this regard, Indonesia welcomes the investigation process, including the efforts undertaken by the Joint Investigation Team. My delegation underscores the importance of a comprehensive, thorough and independent investigation, with an emphasis on transparency and impartiality, which should serve as the basis for establishing accountability.

Finally, my delegation calls upon the Council to continue its work to forge consensus on all appropriate measures to that end.

The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I shall be very brief.

Today's meeting was a very emotional one, which is understandable. At times it gave rise to the question: are there any limits to the political exploitation of the feelings of the families of those who perished and who are experiencing a living horror?

A number of accusations were levelled at the Russian Federation that I consider insulting and not worthy of diplomats.

Turning now to the substance of the issues, we made our arguments in our statement. I will touch on only one issue, on the outcome of the discussions. It is simply incomprehensible that a lack of understanding of one form of judicial proceedings is being equated with impunity. We made, and reaffirm, a proposal to consider various formats for judicial proceedings. Among them are simpler ones that are more effective, more appropriate and certainly less politicized; these are the ones on which we should focus.

In his statement, the Minister for Foreign Affairs of Ukraine, Mr. Klimkin, attempted to speak from a moral and religious position of superiority. He referred to the unacceptability of impunity and the need to cooperate. I have only two questions for him: why were civilian airliners sent to areas where military activities were under way, areas where the Ukrainian forces were fighting using military aircraft? Why were civilian flights sent through that airspace? The passengers on that airliner simply could not have known that a military conflict was under way there. Even Malaysian aviation authorities could not have known that a military conflict was under way there. But Kyiv knew it. Why did it do this? Why has it thus far not provided the recordings of its military air dispatchers? That is impunity. Did they punish anyone in Ukraine for that?

Finally, the tragedy concerning Malaysia Airlines Flight MH-17 is a terrible event — not only for the citizens who died in that castrophe and the countries that they represented, but also for the diplomats who now are forced to deal with it. It is also a trial for the concerned politicians, experts and specialists who continue to work on this issue together. We need to walk hand-in-hand down on this road. Unfortunately, today's meeting is most unlikely to promote joint movement towards the final objective, that is, to shed light on all of the circumstances surrounding this tragedy and to bring those responsible for it to justice. Russia is ready to resume this work at expert, diplomatic and any other levels. Let us therefore move forward from tomorrow-on in this effort.

The President: There are no more names inscribed on the list of speakers.

The meeting rose at 5.10 p.m.